

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 3-24, and 26 are pending in this application. Claim 18 was objected to for an informality. Claims 1, 7-16, 20-21, and 23-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,418,235 to Morimoto et al. (herein "Morimoto") in view of U.S. patent 6,738,978 to Hendricks et al. (herein "Hendricks"). Claims 3 and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Morimoto in view of Hendricks, and further in view of U.S. patent 6,275,601 to Yamaguchi et al. (herein "Yamaguchi"). Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Morimoto in view of Hendricks and further in view of U.S. patent 5,995,639 to Kado et al. (herein "Kado").

Claims 4, 17-19, 22, and 26 were noted as allowable if rewritten to include all of the limitations of their base claims and any intervening claims.¹ Applicants gratefully acknowledge the indication of the allowable subject matter.

Initially, applicants note claim 18 is amended by the present response to correct the minor grammatical informality. Claim 1 is also amended by the present response to correct a minor grammatical informality that is not believed to raise any issues that would preclude entry of the present amendment.

Addressing now the prior art rejections, those rejections are traversed by the present response.

As recognized in the Office Action Morimoto discloses an organism collating method and apparatus for specifying an identical person by detecting organism characteristics of a human being. The Office Action notes that "[a]lthough Morimoto does not explicitly use the word sorting, the classification can be seen as sorting, since the registered persons are

¹ In the Office Action in paragraph 6, on page 9, reference was made to amending those claims to address the rejection under 35 U.S.C. § 112, second paragraph, but no such rejection is presented.

focused and searched on the basis of the attribute data”.² In response to the above-noted basis for the outstanding rejection, applicants note that in Figure 4 Morimoto performs a same focusing and searching for every collating process. Such an operation in Morimoto is believed to clearly differ from the claims as currently written.

According to the claims as currently written, a registered information operation device sorts specific information pieces of registered persons in a storage device in an order of increasing elapse time from a last identification of an object person or in an order of decreasing frequency of identification thereof. Further, an identification device identifies the object person from the registered persons by comparing the specific information pieces of the registered persons with the specific information piece of the object person.

Accordingly, in the claims as currently written the shorter the elapse time from the last identification or the higher the frequency of identification, the shorter the focusing and searching process of the object person. In other words, decreasing the elapse time from the last identification or increasing the frequency of identification decreases the focusing and searching process of that object person. A further result of the above-noted operations in the claims as currently written is that an object person having a shortest elapse time from a last identification or a highest frequency of identification can be identified without focusing and searching.

Applicants respectfully submit the outstanding rejection has not properly considered the claimed features such as discussed above, and that Morimoto does not disclose the claimed features.

More particularly, Morimoto describes that registered persons stored in the storage 23 are focused and searched based on attribute data of body type data, sexuality data, age group

² Office Action of July 29, 2004, page 3, lines 15-18 of prenumbered paragraph 3.

data and exclusive use application tool data, and attribute data of body weight, thereby collating a searched face data of the registered person and the face data extracted from an image taken by the camera 13 (see Morimoto at column 4, lines, 18-24). In other words, Morimoto operates so that at first the registered persons are focused and searched based on attribute data except for face data, and then the face data of the searched registered person is collated with the face data extracted from the image taken by the camera.

Moreover, Morimoto teaches that if an arrival person coincides with a registered person, the collation history of the attribute data of the registered person, namely the year, month, day, and time of the entry is stored, and then the collation frequency ratio is revised (see Morimoto at column 4, lines 35-38).

From the above explanations in Morimoto, it is clear that Morimoto does not teach or suggest anything even similar to the claimed feature “to sort the specific information pieces of the registered persons, which is stored in said storage device, in order of increasing elapse time from a last identification of the object person or in order of decreasing frequency of identification thereof”, as specifically required for example in independent Claim 1, and as similarly required in each of the claims.

As discussed above, in the claims as currently written the shorter the elapse time from the last identification or the higher the frequency of identification, the shorter the focusing and searching process of the object person. In other words, decreasing the elapse time from the last identification or increasing the frequency of identification decreases the focusing and searching process of that object person. Morimoto does not disclose any type of even similar feature.

As noted above, the outstanding rejection appears based on the position that the classification in Morimoto can be seen as sorting, since the registered persons are focused and searched based on the attribute data.

In response to that basis for the outstanding rejection applicants note the claims do not merely recite a broad sorting operation. In the claims a specific sorting is executed, which factors in an increasing elapse time from a last identification of an object person or a decrease in frequency of identification of the object person. Morimoto does not consider such factors in even the classification noted therein.

Morimoto at first focuses and searches registered persons based on attribute data except for face data, and then collates the face data of the searched registered person with the face data of the image taken by a camera. Thereby, Morimoto does not have any intention at all to sort specific information pieces of registered persons in an order of increasing elapse time from a last identification of the object person or in an order of a decreasing frequency of identification of the object person.

The claimed invention provides a personal identification apparatus to identify an object person from registered persons by comparing with a specific information piece of the object person a plurality of specific information pieces of the registered persons that are stored in a storage device and sorted in order of increasing elapse time from a last identification of the object person or in order of decreasing frequency of identification of the object person. Such claimed personal identification features clearly differ from the operation in Morimoto in which at first registered persons are focused and searched based on attribute data except for face data, and then the face data of the searched registered person is collated with the face data of an image taken by a camera.

Thus, applicants respectfully submit the basis for the outstanding rejection and how it relies upon the teachings in Morimoto to disclose the above-noted claimed features is improper, and that Morimoto does not disclose the features relied upon in the Office Action.

Moreover, the outstanding rejection relies upon Hendricks teaching data base searching to sort data in order of decreasing frequency. However, Hendricks does not

consider an order of increasing elapse time from a last identification of an object person, and thus Hendricks cannot overcome the above-discussed deficiencies in Morimoto.

Moreover, no teachings in the further cited references to Yamaguchi or Kado can overcome the above-noted deficiencies of Morimoto in view of Hendricks.

In view of these foregoing comments, applicants respectfully submit the claims as currently written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
GJM/SNS:sjh

Eckhard H. Kuesters
Registration No. 28,870
Surinder Sachar
Registration No. 34,423
Attorneys of Record